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Determination of Eligibility for Emotional Disturbance

Santina Thibedeau,
Administrator, Bureau of Special Education
State Director of Special Education

Mary Steady,
Education Consultant, Bureau of Special Education

- Students identified with Emotional Disturbance may qualify for special educational and related services under the Individuals with Disabilities Education Improvement Act of 2004 (IDEA).
- To understand how team makes this decision it is helpful to understand the Special Education process.

- Is referring to the several steps that address identifying and evaluating students who may be eligible for special education.
- Each step has specific requirements and time frames for completing the tasks.

Locating / Child Find

NH Rules Ed 1105

- All school districts shall find, identify, and evaluate all children suspected to be children with disabilities who are 2.5 years of age or older, but less than 21 years of age.

Referral

NH Rules- Ed 1106

- Anyone may refer a child if they suspect that he/she may have a disability and need special education.
- A meeting is scheduled with team (including parents) to discuss the disposition of the referral within 15 days of receiving the referral.
- The team reviews all available information about the student such as classwork, standardized test scores, attendance records, discipline records, and any other relevant information.
- If the team decides that additional testing, they must seek parental consent to conduct any evaluations.

Evaluation

NH Rules-Ed 1107

- School District will arrange testing, at no cost to parents, to be conducted by trained knowledgeable, certified or licensed evaluators.
- After written consent for evaluations, testing must be completed within 45 days (unless parent and school district agree to a one time extension of not more than 15 days).

Specific Disability Categories

34 CFR 300.8

1. Autism
2. Deaf-blindness
3. Deafness
4. Emotional Disturbance
5. Hearing Impairment
6. Intellectual Disability
7. Multiple Disabilities
8. Orthopedic Impairment
9. Other health impairment
10. Specific Learning Disability
11. Traumatic Brain Injury
12. Visual Impairment

New Hampshire Department of Education
Statewide Census by Disability as of October 1, 2011

7.7% of all children
receiving special education
in NH are identified
with Emotional Disturbance

Determination of Eligibility

NH Rules- Ed 1108

- When the evaluations are complete, the IEP Team uses that information to determine whether or not the child is eligible for special education.
 - To be eligible, the child must have a disability and require special education or special education and related services to benefit from education
- The child will be identified in one or more the specific disability classifications listed in 34 CFR 300.8

Required Evaluations And Qualified Examiners

NH Rules-Ed 1107.04

Academic Performance

Associate School
Psychologist
Certified Educator
Guidance Counselor
Psychologist
S.A.I.F.
School Psychologist

Social/Emotional Status

Associate School
Psychologist
Psychiatrist
Psychologist
School Psychologist

Federal Regulations for ED

34 CFR 300.8(c) (4)

Emotional Disturbance means a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree that adversely affects a child's educational performance

1. An inability to learn that cannot explained by intellectual sensory, or health factors.
2. An inability to build or maintain satisfactory interpersonal relationships with peers and teachers.
3. Inappropriate types of behavior or feelings under normal circumstances.
4. A general pervasive mood of unhappiness or depression.
5. A tendency to develop physical symptoms or fears associated with personal or school problems.

Emotional disturbance includes
schizophrenia.

The term does not apply to children who
are socially maladjusted, unless it is
determine that they have an emotional
disturbance.

When doing research, here is what NAMI says,

“Mental illnesses are medical conditions that disrupt a person's thinking, feeling, mood, ability to relate to others and daily functioning. Just as diabetes is a disorder of the pancreas, mental illnesses are medical conditions that often result in a diminished capacity for coping with the ordinary demands of life.”

National Alliance on Mental Illness. (2010). *What is mental illness: Mental illness facts*. <http://tinyurl.com/3ew3d>

To be found eligible for Special Education with the identification of ED

1. An evaluation that meets the requirements of Ed 1107.04
2. The student has been observed exhibiting one or more of the five behavioral characteristics or emotional characteristics listed in 34 CFR 300.8(c) (4)
3. The characteristic(s) has been observed:
 - a. For a long period of time;
 - b. By more than one knowledgeable observer;
 - c. In more than one setting; and
 - d. At a level of frequency, duration and/or intensity that is significantly different from other students' behavior in the same or similar circumstances.
4. The student's condition adversely affects educational performance in the area of academics, peer and teacher interaction, participation in class activities, and/or classroom conduct

34 CFR 300.8 (b)(4)(i) states:

1. An inability to learn that cannot be explained by intellectual, sensory or health factors;
2. An inability to build or maintain satisfactory interpersonal relationships with peers and teachers;
3. Inappropriate types of behavior or feelings under normal circumstances;
4. A general pervasive mood of unhappiness or depression; or
5. A tendency to develop physical symptoms or fears associated with personal or school problems.

What does it mean by an inability to learn that cannot be explained by intellectual, sensory or health factors?

What does it mean to have an inability to build or maintain satisfactory interpersonal relationships with peers and teachers?

What does it mean to have inappropriate types of behavior or feelings under normal circumstances?

EMOTIONAL DISTURBANCE VS. SOCIALLY MALADJUSTED

- School Behavior- Unable to comply with teacher requests; needy or has difficulty asking for help
- Attitude toward School-School is a source of confusion or angst; does much better with structure
- School Attendance- Misses school due to emotional or psychosomatic issues
- Educational Performance- Uneven achievement; impaired by anxiety, depression, or emotions
- School Behavior- Unwilling to comply with teacher requests; truancy; rejects help
- Attitude toward School- Dislikes school, except as a social outlet; rebels against rules and structure
- School Attendance- Misses school due to choice
- Educational Performance- Achievement influenced by truancy, negative attitude toward school, avoidance

Examples...

EMOTIONAL DISTURBANCE VS.

- Peer Relations and Friends- Difficulty making friends; ignored or rejected
- Perceptions of Peers- Perceived as bizarre or odd; often ridiculed
- Social Skills- Poorly developed; immature; difficulty reading social cues; difficulty entering groups
- Interpersonal Relations- Inability to establish or maintain relationships; withdrawn; social anxiety
- Interpersonal Dynamics- Poor self-concept; overly dependent; anxious; fearful; mood swings; distorts reality

SOCIALLY MALADJUSTED

- Peer Relations and Friends- Accepted by a same delinquent or socio-cultural subgroup
- Perceptions of Peers- Perceived as cool, tough, charismatic
- Social Skills- Well developed; well attuned to social cues
- Interpersonal Relations- Many relations within select peer group; manipulative; lack of honesty in relationships
- Interpersonal Dynamics- Inflated self concept; independent; underdeveloped conscience; blames others; excessive bravado

More examples...

EMOTIONAL DISTURBANCE VS.

- Locus of Disorder- Affective disorder; internalizing
- Aggression- Hurts self and others as an end
- Anxiety- Tense; fearful
- Affective Reactions- Disproportionate reactions, but not under student's control
- Conscience- Remorseful; self critical; overly serious
- Sense of Reality- Fantasy; naïve; gullible; thought disorders

SOCIALLY MALADJUSTED

- Locus of Disorder- Conduct disorder, externalizing
- Aggression- Hurts others as a means to an end
- Anxiety- Appears relaxed; cool
- Affective Reactions- Intentional with features of anger and rage; explosive
- Conscience- Little remorse; blaming; non-empathetic
- Sense of Reality- Street-wise; manipulates facts and rules for own benefit

Even more examples...

EMOTIONAL DISTURBANCE VS.

- Developmental Appropriateness- Immature; regressive
- Risk Taking- Avoids risks; resists making choices
- Substance Abuse-Less likely; may use individually

SOCIALLY MALADJUSTED

- Developmental Appropriateness- Age appropriate or above
- Risk Taking- Risk taker; daredevil
- Substance abuse-More likely; peer involvement

Adapted from *Social Maladjustment: A Guide to Differential Diagnosis and Educational Options* (Wayne County Regional Educational Service Agency – Michigan , 2004)

What does it mean to have a general pervasive mood of unhappiness or depression?

- Pervasive as defined by Merriam Webster's Collegiate Dictionary,
"Becoming diffused through every part of."
- Therefore, it would be assumed one would exhibit a mood of unhappiness or depression in all settings (i.e. home, school, community etc.)

What does it mean when a student has the tendency to develop physical symptoms or fears associated with personal or school problems?

- This has not been defined by the IDEA. Although some states have defined.

The definition used by Idaho State Dept. of Ed.

- These are persistent physical symptoms that are chronic as apposed to acute.
- They may have a negative impact on learning.
- They may have not have a physical origin.

Re-evaluations

34 CFR 300.303

- The School District must reevaluate every child with an educational disability.

Developing the IEP

NH Rules- Ed 1109.03



If a child is found eligible for special education and related services....

- IEP Team must meet and create an IEP within 30 days

Parents have up to 14 days to review and sign the IEP.

- If parents disagree, with the IEP, they may ask for another meeting, request mediation or a due process hearing

Once a child has an IEP...

- It must be reviewed/revised annually
- Must be in place by the beginning of the school year
- All individuals responsible for implementing the IEP, as well as parents and student (if of age of majority), must be given a complete copy of the IEP

Special Factors & the IEP

- The IEP team must consider the child's strengths, the parents' concerns for their child's education, and "special factors" when developing the IEP.
- IF a child's behavior impedes his/her learning, or that of others, appropriate strategies, including positive behavioral interventions, strategies, and supports address the behavior need to be implemented.

Determining Placement

NH Rules- Ed 1111

IDEA further provides that States must have in place procedures assuring that, "to the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are not disabled, and that special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only when the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily."

Continuum of Alternative Learning Environments – Preschool Ed 1111

Preschool Educational	Environments Description
Early childhood program	A preschool child with a disability attends an early childhood program.
Home	A preschool child with a disability receives some or all of his/her supports and services in the child's home.
Special education program	A preschool child with a disability attends a special education program.
Service Provider	A preschool child with a disability receives supports and services from a service provider.
Separate school	A preschool child with a disability attends a publicly or privately operated separate day school facility designed specifically for children with disabilities.
Residential facility	A preschool child with a disability attends a publicly or privately operated residential school or residential medical facility on an inpatient basis.

Continuum of Alternative Learning Environments – Ages 6-21 Ed 1111

Educational Environments	Description
Regular classroom	A child with a disability attends regular class with supports and services required in the IEP.
Regular classroom with consultative assistance	A child with a disability attends a regular class with assistance being provided to the classroom teacher by consulting specialists.
Regular classroom with assistance by specialists	A child with a disability attends a regular class with services, provided to the child by specialists.
Regular classroom plus resource room help	A child with a disability attends a regular class and receives assistance at or through the resource room program.
Regular classroom plus part-time special class	A child with a disability attends a regular class and a self-contained special education classroom.
Full-time special class	A child with a disability attends a self-contained special class full-time.
Full-time or part-time special day school	A child with a disability attends a publicly or privately operated special day program full-time or part-time.
Full-time residential placement	A child with a disability attends a publicly or privately operated residential program full-time.
Home Instruction	Home Instruction
Hospital or institution	A child with a disability receives special education while in a hospital or institution.

Monitoring and Annual Review

NH Rules- Ed 1109.06

The LEA shall develop and implement procedures designed to monitor that all IEPs are implemented. The IEP team may be reconvened at any time to review the provisions of the IEP.

(b) The LEA, upon a written request for an IEP team meeting by the parent, guardian, or adult student shall:

(1) Schedule a mutually agreeable time and date for an IEP team meeting;

(2) Convene the IEP team on the mutually agreeable time and date; or

(3) Provide the parent, guardian, or adult student with written prior notice detailing why the LEA refuses to convene the IEP team that the parent, guardian, or adult student has requested.

Requesting an IEP Meeting

- If there are concerns that arise an IEP meeting may be requested.
- When requesting an IEP meeting it must be in writing.
- The district has 21 days by either holding the meeting or responding with a written prior notice why the district is refusing to convene a meeting.

References

http://www.education.nh.gov/instruction/special_ed/index.htm

http://www.education.nh.gov/instruction/special_ed/documents/nh_rules_2012_web.pdf

http://www.education.nh.gov/instruction/special_ed/documents/indiv_disab_ed_act.pdf

ANY QUESTIONS?